

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

| | | |
|--------------------------------|---|------------------------|
| Performance Friction Corp., |) | C/A No.: 0:09-2855-JFA |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER OF REMAND |
| |) | |
| Burgess-Norton Mfg. Co., Inc., |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court upon the motion of plaintiff, with the consent of the defendant, for an order remanding this case pursuant to 28 U.S.C. § 1447 to the Court of Common Pleas for York County, South Carolina [dkt. # 7]. Defendant removed this action on November 2, 2009 based upon diversity jurisdiction. However, defendant has now stipulated [dkt. # 8] that it filed its Notice of Removal more than thirty days from the date service of the summons and complaint was accepted by the South Carolina Office of the Secretary of State.

Because this court lacks subject matter jurisdiction, plaintiff's motion is granted and this action is remanded to the Court of Common Pleas for York County.

IT IS SO ORDERED.

December 4, 2009
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge